



# DECKER HOLLAND PLLC

Attorneys at Law

2 15 East Cherry Avenue, Suite 203  
3 Flagstaff, Arizona 86001  
4 Telephone: (928) 225-2896  
5 Facsimile: (928) 225-2118  
Jared E. Holland (SBN: 025548)  
Jared@DeckerHolland.com  
Counsel for Debtors

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

In re

**Case No. 3:12-bk-19862-GBN**

BROOKS JOEL EDEN  
NATALIE JEAN EDEN.

## Debtors.

**MOTION FOR VALUATION  
OF COLLATERAL  
AND  
DETERMINATION OF  
SECURED STATUS**



The Debtors, by and through undersigned counsel, pursuant to 11 U.S.C. §506 and Federal Rules of Bankruptcy Procedure, Rules 3012 and 3013, hereby move this Court for its order determining the value of Debtors' interest in the property located at 17721 W. Voltaire St., Surprise, Arizona 85282 to be \$175,000.00, as indicated in Debtors' Schedules. Debtors' used Debtors' estimate and comparable sales to determine the value of the collateral indicated in Debtors' Schedules.

The secured balance owed to the first lien holder is \$308,728.00. Based on the above indicated value, it is believed that the value of the Debtors' interest in the property located at 17721 W. Voltaire St., Surprise, Arizona 85282 is less than the amount owed to the first lien holder. Accordingly, pursuant to *In re Zimmer*, 313 F.3d 1220 (9<sup>th</sup> Cir., 2002), Debtors

1 further request that the Court determine Sarah Ann Ranch Homeowners Association's claim  
2 to be fully unsecured and to be treated as such in Debtors' Chapter 13 plan.

3 For all the foregoing reasons, Debtors' respectfully request their Motion be granted  
4 and an Order be entered by this Court determining the value of the collateral and  
5 classification of junior lien holder's claim as indicated herein. Debtors further request that  
6 upon successful completion of the Debtors' Chapter 13 plan, the Debtors be allowed to  
7 request an Order extinguishing the liens held by Sarah Ann Ranch Homeowners  
8 Association.

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10 RESPECTFULLY SUBMITTED this 6th day of May, 2013.  
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12 DECKER HOLLAND, PLLC  
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14 By: /s/ Jared E. Holland

15 Jared E. Holland  
16 Counsel for Debtors  
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1 One copy of the foregoing was  
2 mailed this 6th day of May, 2013 to:

3 Edward J. Maney, Trustee  
4 101 North First Avenue, Suite 1775  
Phoenix, Arizona 85003

5 U.S. Trustee's Office  
6 230 N. First Ave., Ste. 204  
7 Phoenix, AZ 85003

8 Chad P. Miesen, Esq.  
CARPENTER, HAZELWOOD, DELGADO & BOLEN, PLC  
9 1400 East Southern Avenue, Suite 400  
10 Tempe, Arizona 85282

***Via Certified Mail, Return Receipt Requested***

11 President/Managing or General Agent  
12 Sarah Ann Ranch Homeowners Association  
13 C/O AAM, LLC  
14 1600 W BROADWAY RD STE 200  
15 TEMPE, AZ 85282

***Via Certified Mail, Return Receipt Requested***

16 LAURA ZIFF  
17 Statutory Agent for Sarah Ann Ranch Homeowners Association  
18 C/O AAM, LLC  
19 1600 W BROADWAY RD STE 200  
20 TEMPE, AZ 85282

***Via Certified Mail, Return Receipt Requested***

21 By: /s/ Jared E. Holland  
22 Jared E. Holland